SCREENING FORM FOR LOW-EFFECT HCP DETERMINATIONS

I. Project Information

A. Project name: Kelley-McDonough Low-Effect Habitat Conservation Plan

B. Affected species: Morro shoulderband snail (*Helminthoglypta walkeriana*)

C. Project size: 0.18 acre (8,000 square feet)

D. Brief project description including minimization and mitigation plans:

- **Purpose:** The Kelley-McDonough Low-Effect Habitat Conservation Plan (HCP) provides the basis for issuance of a section 10(a)(1)(B) incidental take permit (ITP) to John Kelley and Denise McDonough (hereafter, the applicants). Permit issuance is necessary to authorize the incidental take of the federally endangered Morro shoulderband snail associated with the construction, maintenance, and occupation of a single-family residence on an existing, legal residential parcel.

- **Need:** Presence of Morro shoulderband snail was confirmed during a habitat assessment and species surveys conducted in accordance with U.S. Fish and Wildlife Service (Service) guidance in 2004, 2006, and 2008. Due to the continued presence of Morro shoulderband snails, proposed activities associated with the construction, maintenance, and occupation of a single-family residence are likely to result in take of the species.

- **Proposed Project:** The proposed project involves the construction, maintenance, and occupation of a single-family residence. The HCP provides the basis for issuance of an ITP to authorize unavoidable take of Morro shoulderband snail associated with otherwise legal activities. The project would result in impacts to up to 0.18-acre (8,000 square feet) of highly degraded habitat occupied by the Morro shoulderband snail.

- **Project Duration:** The requested permit duration is 10 years.

- **Covered Lands:** The permit would address the entire 0.18-acre parcel legally described as County of San Luis Obispo Assessor Parcel Number 074-471-002 and located at 2285 Bay Vista Drive in the unincorporated community of Los Osos, San Luis Obispo County, California.

- **Species Occupation and Baseline:** In 2004, six live Morro shoulderband snail individuals were identified in low-growing vegetation along the southern fence line onsite by Dan Dugan (Tenera Environmental 2004, 2005). During habitat assessments conducted by Mr. Dugan in 2005 (one of which was after hazard abatement activities), no Morro shoulderband snails were detected; however, during a third habitat assessment conducted by Mr. Dugan again in 2006, one live Morro shoulderband snail was identified

in approximately the same location where the six live individuals were found in 2004 (Tenera Environmental 2005). In April 2008, Bob Sloan of the Morro Group identified a single Morro shoulderband snail in approximately the same location along with one vacant class B (0.5 to 2 years old) and two vacant class C (2 to 10 years old) empty Morro shoulderband snail shells. As such, we consider that the property continues to provide habitat and be occupied by the species.

- **Species Goals:** The Kelley-McDonough parcel is not suitable for onsite habitat conservation or restoration activities due to its small size and in-fill nature being found in an almost completely developed residential neighborhood. Instead, the conservation strategy developed for the HCP incorporates recovery tasks for Morro shoulderband snail described in the *Recovery Plan for the Morro Shoulderband Snail and Four Plants from Western San Luis Obispo County, California* (Service 1998). Unavoidable take of the Morro shoulderband snail will be mitigated through funding of identified recovery tasks (e.g., population studies, habitat restoration) on selected conserved parcels within the known range of the species. One of the objectives of this mitigation strategy is to facilitate the collection of data to address remaining recovery tasks identified for Morro shoulderband snail. Data resulting from the research will also be useful in the development of habitat management strategies that will be necessary for the eventual delisting of the species.

- **Minimization and Mitigation Measures:** To minimize the take of Morro shoulderband snail, the applicants, or their legal successor(s) in ownership, will retain a Service-approved biologist in possession of a valid recovery permit for the species to conduct pre-construction surveys of the site prior to the initiation of each construction phase. Construction activities will also be monitored. The biologist will have the authority to order any reasonable measure necessary to prevent avoidable take of Morro shoulderband snail and to stop any work or activity that does not comply with the conditions set forth in the incidental take permit. All live Morro shoulderband snails identified during these surveys will be captured and moved to appropriate habitat on a Service-approved parcel by the biologist. This biologist will also conduct a pre-construction training meeting for all personnel who will work on-site during construction. This session is intended to inform construction crews, field supervisors, and equipment operators regarding the status and presence of the species, grading and construction-activity restrictions, and those avoidance and minimization measures specified in the HCP. Funding to implement the minimization measures and compliance monitoring (estimated to be approximately $4,000) will be the responsibility of John Kelley and Denise McDonough as the permittees, or their legal successor(s) in ownership. Unavoidable take of Morro shoulderband snail individuals will be mitigated through payment of $4,000 to an Impact Directed Environmental Account administered by the National Fish and Wildlife Foundation established to receive and disburse funds for identified recovery actions for the species.

- **Monitoring and Reporting**

  Monitoring: Monitoring for project effects will include pre-construction awareness training, pre-, and concurrent construction monitoring activities. A Service-approved biologist will be present during the initial grading and excavation activities (e.g., clearing of vegetation and stripping of the surface soil layer) to monitor for Morro shoulderband snail presence and to move identified individuals out of harm's way. The Service's Ventura Fish and Wildlife Office will be notified of any "stop work" order and any such order will remain in effect until the issue has been resolved. Upon completion of site grading activities, the monitor will visit the project site throughout the construction period to ensure that impacts to the project site comply with permit terms and conditions. During periods of rain or heavy fog/dew the monitor will conduct pre-activity surveys to ensure no Morro shoulderband snails have migrated into the work area. No construction work will be initiated until the monitor determines that the work area is clear of Morro shoulderband snails.

  Reporting: The results of monitoring events will be documented and submitted in reports. The reports will document project activities, worker training, the number of Morro shoulderband snails found/relocated during surveys/monitoring, compliance issues that may arise, and the actual levels of take (if possible). Annual Reports will be submitted to the Service by December 31 each year and will include: (1) a brief summary or list of project activities accomplished during the reporting year (e.g., development/construction activities, and other covered activities); (2) project impacts; (3) a description of any take that occurred for each covered species (including cause of take, form of take, take amount, location of take and time of day, and deposition of dead or injured individuals); and (4) results of monitoring results (compliance, effects and effectiveness monitoring) and survey information (if applicable).

II. Does the HCP fit the following low-effect criteria?

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP prior to implementation of the minimization and mitigation measures? Yes. While surveys reveal that Morro shoulderband snails continue to be present onsite, recent surveys indicate that a very low number of individuals are likely present indicating that the site does not provide habitat of a sufficient quality to maintain a population of the species in the long-term. The site supports a ruderal plant community comprised of a mixture of a pioneering native species, re-sprouting native shrubs, and invasive grasses. Grass and forb species include non-native perennial veldt grass (*Ehrharta calycina*) and native deerweed (*Lotus scoparius*), California croton (*Croton californicus*), and California poppy (*Eschscholzia californica*). Remnant native shrub species include black sage (*Salvia mellifera*) and California sagebrush (*Artemisia californica*). Patches of non-native iceplants (*Carpobrotus* spp., *Conicosia pugioniformis*) are also present. The long-term prognosis for Morro shoulderband snail on this parcel is not considered good as habitat on the project site is highly disturbed and the parcel is located within a developed neighborhood.

B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g., air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the minimization and mitigation measures? Yes. The proposed project is the construction, maintenance, and occupation of a single-family residence on an existing, legal in-fill parcel in an area that is almost completely developed to the same use. It is not anticipated construction and occupation of one additional single-family residence at this site would result in any significant effects to the human environment.

C. Would the impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects <u>not</u> result, over time, in cumulative effects to environmental values or resources that would be considered significant? As discussed previously, the Kelley-McDonough parcel involves the construction of a single residence on an existing, legal, in-fill parcel located in a developed residential neighborhood. As such, we have determined that it is not likely to result in significant cumulative effects to environmental values or resources

III. Do any of the exceptions to categorical exclusions apply to this HCP? (form 516 DM 2.3, Appendix 2)

Would implementation of the HCP:

A. Have significant adverse effects on public health or safety? No. The HCP supports the issuance of an ITP for Morro shoulderband snail associated with the construction, maintenance, and occupation of a single-family residence in an existing neighborhood of same.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks? No. The project site is a residentially zoned area that has been almost completely developed for many years. As such, the site does not contain any unique geographic characteristics such as native habitat; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; drinking water aquifers; prime farmlands; wetlands; floodplains; or ecologically significant areas. The Kelley-McDonough parcel is found at the westernmost edge of critical habitat unit 2 within a residential neighborhood known locally as Bayview Heights. While those primary constituent elements identified in the critical habitat rule for Morro shoulderband snail (sand or sandy soils; a slope less than 10 percent; and the presence of, or the capacity to develop, coastal dune scrub vegetation) are present, the parcel is very small and entirely surrounded by residences and associated landscaping and infrastructure. The loss of this small parcel represents less than 0.06 percent of critical habitat unit 2, the majority of which consists of intact coastal dune scrub and maritime chaparral. Upon consideration of these factors, it is our opinion that conservation of the Kelley-McDonough parcel is not essential to the continued function of critical habitat unit 2 and that issuance of an incidental take permit would not appreciably diminish its value for both the survival and recovery of the Morro shoulderband snail.

C. Have highly controversial environmental effects? No. The project is consistent with County of San Luis Obispo zoning laws and regulations.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? No. The project is limited in size and scope. A maximum of one residence and supporting infrastructure/landscaping would be constructed on an existing, legal parcel.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? No. The project is limited in size and scope. A maximum of one residence and supporting infrastructure/landscaping would be constructed on an existing, legal parcel that was created in compliance with the California Environmental Quality and California Coastal Acts.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects? No. This is a single-action not related to any other.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places? No. There are no structures on the parcel.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species? The Kelley-McDonough parcel is found at the westernmost edge of critical habitat unit 2 within a residential neighborhood known locally as Bayview Heights. While those primary constituent elements identified in the critical habitat rule for Morro shoulderband snail (sand or sandy soils; a slope less than 10 percent; and the presence of, or the capacity to develop, coastal dune scrub vegetation) are present, the parcel is very small and entirely surrounded by residences and associated landscaping and infrastructure. The loss of this small parcel represents less than 0.06 percent of critical habitat unit 2, the majority of which consists of intact coastal dune scrub and maritime chaparral. The project is also located at the edge of unit 2. Upon consideration of these factors, it is our opinion that conservation of the Kelley-McDonough parcel is not essential to the continued function of critical habitat unit 2 and that issuance of an incidental take permit would not appreciably diminish its value for both the survival and recovery of the Morro shoulderband snail.

I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act? No. The site is comprised wholly of terrestrial upland habitat. There are no wetlands or floodplains onsite. The project is the construction and occupancy of a single-family residence and thus, is not considered a water development project.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment? No. The HCP supports the issuance of an ITP that would authorize take of Morro shoulderband snail incidental to otherwise lawful activities. This project

will be subject to review pursuant to the County of San Luis Obispo's Local Coastal Plan. Project implementation will require issuance of a minor use permit by the County of San Luis Obispo and a Coastal Development Permit. Demonstration that the applicants are in receipt of an ITP for this parcel will be made a condition necessary to obtain subsequent permits necessary to allow activities that would result in take.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Kelley-McDonough HCP qualifies for use of a categorical exclusion as its National Environmental Policy Act compliance as defined in the Service's *Habitat Conservation Planning Handbook* and is excluded from further National Environmental Policy Act documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents: Kelley-McDonough Habitat Conservation Plan, NFWF IDEA Agreement with the Ventura Fish and Wildlife Office.

Concurrence:

Diane K Noda
Field Supervisor

2/14/13
Date